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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/808,211	03/14/2001	Thomas D. Erickson	YOR9-2000-0671US1 (8728-4)	3294
46069	7590	12/28/2004	EXAMINER	
F. CHAU & ASSOCIATES, LLC 130 WOODBURY ROAD WOODBURY, NY 11797			MAURO JR, THOMAS J	
			ART UNIT	PAPER NUMBER

2143

DATE MAILED: 12/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/808,211	Applicant(s) ERICKSON ET AL.	
	Examiner Thomas J. Mauro Jr.	Art Unit 2143	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 October 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 October 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to the amendment filed on October 18, 2004. Claims 1-22 remain pending and are presented again for further examination. A formal action on the merits of claims 1-22 follows.
2. Objection made against the drawings has been obviated in response to the formal drawings submitted on October 18, 2004 with the amendment.
3. 112 2nd paragraph rejection made against claims 17-18 is dropped in light of the specifications and arguments presented.

Response to Arguments

4. Applicant's arguments with respect to claims 5 and 6 have been considered but are moot in view of the new ground(s) of rejection.
5. Applicant's arguments filed October 18, 2004 have been fully considered but they are not persuasive.

(A) Applicant contends that Liles does not teach an activity map, whereas claims 1, 12 and 19 call for this limitation.

In response to argument (A), Examiner asserts that Liles does teach an activity map. By definition, a map is a representation of a region. Liles teaches a virtual world where characters, i.e. avatars, interact with during chat. See Figure 13, Col. 7 lines 7-17, Col. 11 lines 36-46 and Col. 12 lines 59-67. Therefore, given the broad language used in the claim, namely, “aspect”, “perspective” and “activity map”, Liles disclosure of a virtual world or environment, i.e. map combined into an activity, i.e. chatting, discloses the instant limitation of activity map, as the chat activity interacts and maps to the virtual world. During patent examination and prosecution, claims must be given their broadest reasonable interpretation. *In re Van Geuns*, 988 F.2d 1181, 1184, 26 USPQ2d 1057, 1059 (Fed. Cir. 1993); *In re Prater*, 415 F.2d 1393, 1404, 162 USPQ 541, 550 (CCPA 1969). Giving the instant claims their broadest reasonable interpretation, “activity map” is broad enough to read on the character/avatar chatting environment of Liles.

(B) Applicant contends that Liles-Moncreiff fail to teach market participants and representing the market participants in the activity map, whereas claim 19 calls for this limitation.

In response to argument (B), Liles-Moncreiff do in fact teach market participants and representing the market participants in the activity map. As shown above in the response to argument (A), Liles teaches an activity map or virtual world environment where characters/avatars representing users in a chat session interact. In addition, Moncreiff discloses

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market participants, namely, users in a chat session who are able to purchase merchandise and gifts right within the chatting system. See Moncreiff Figure 8 and Col. 6 lines 19-31. Thus, Moncreiff provides the market participants for the activity map of Liles. As a result, the combination provides a chatting system wherein users in an activity map, i.e. virtual world, are market participants who can purchase goods/merchandise over the system. Thus, the Examiner accordingly demurs to the assertion that Liles-Moncreiff fail to teach representing market participants in an activity map.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-5, 7-10, 12, 15 and 17-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Liles et al. (U.S. 5,880,731).

With respect to claim 1, Liles teaches a computer-implemented method for representing an environment having at least one aspect comprising the steps of:

representing aspects in an activity map comprising at least two perspectives [Liles -- **Figure 13, Col. 7 lines 7-17 and Col. 12 lines 52-67 – Activity map, i.e. virtual world, contains multiple perspectives, namely, chat history window and pane with avatar**]; and

representing a state of a user within the environment as a tangible link between each perspective [Liles -- **Col. 7 lines 21-23 and Col. 9 lines 55-60 and Col. 9 lines 64-67 – Col. 10 lines 1-32 – State of a user is depicted on avatar based upon the text entered in the chat, i.e. first perspective. For example, based upon the text entered by a user, the state of the user, i.e. happy or mad, is tangibly linked to the second perspective, i.e. avatar, by graphically changing his appearance to indicate the emotion**].

With respect to claim 2, Liles further teaches wherein the state of the user includes user activity within the environment [Liles -- **Col. 7 lines 18-42 and Col. 9 lines 55-60 and lines 64-65 – State of the user is based upon the chat messages occurring. For example, if the user indicates in his/her chat that they must leave, the avatar can represent that by checking his watch, etc. Thus, the user's state is conveyed through chatting and the avatar**].

With respect to claim 3, Liles further teaches wherein the state of the user is dynamically incorporated into the activity map [Liles -- **Col. 7 lines 66-67 and Col. 9 lines 55-60 and 64-65 – Script files can be executed dynamically in connection with the text entered by the user, thereby dynamically altering the avatar as the chat session continues**].

With respect to claim 4, Liles further teaches wherein the state of the user includes one of a user location, a user status within a hierarchy, a user emotion and a quality of user conversation [Liles -- Figures 4A, 4B, 4C, 5, 7, Col. 7 lines 18-24, Col. 9 lines 55-60 and lines 64-65 and Col. 11 lines 36-46 – State of the user includes the user location in the virtual world along with a conveyance of user emotions].

With respect to claim 5, Liles further teaches wherein the tangible link is a tangible cue which associates two perspectives of the activity map [Liles -- Figure 13 and Col. 7 lines 18-42 – Link between chat session and graphical avatar, i.e. two perspectives, is tangible, i.e. graphical, wherein the graphic representing the avatar is modified based upon the chat session].

With respect to claim 7, Liles further teaches wherein the tangible link is one of a tangible aural cue [Liles – Col. 13 lines 34-41 – Sound effects can be enabled to provide a notification when a user's status changes, i.e. when a user enters the chat session, etc.].

With respect to claim 8, Liles further teaches wherein the activity map includes a geographic perspective and a discussion perspective, the two perspectives associated by the user state within the environment [Liles -- Figure 13, Col. 7 lines 7-17 and lines 18-24, Col. 9 lines 55-60 and lines 64-65, Col. 11 lines 36-67 and Col. 12 lines 52-67 – Activity map, i.e. virtual world, includes a geographic perspective which places the avatar in a “world” relative to

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other users along with a discussion, i.e. chat perspective. The two perspectives are linked by changing the avatar in the “world” based upon the text entered in the chat perspective].

With respect to claim 9, Liles further teaches wherein the discussion aspect includes at least one topic and links the activity map to a second activity map representing the topic in at least two perspectives [**Liles -- Figure 13, Col. 6 lines 20-34, Col. 7 lines 7-17 and Col. 12 lines 52-67 – Various chat rooms are available with different discussion topics, i.e. gardening, which then links will have a customized “virtual world”, i.e. activity map, with a chat and avatar customized to the topic, i.e. gardening].**

With respect to claim 10, Liles further teaches wherein each perspective is one of a representation of the user state [**Liles -- Col. 7 lines 45-47 and Col. 9 lines 55-60 – Avatar represents a user state as defined by the chatting session], and a representation of user input to the environment [Liles -- Figure 13, Col. 9 lines 55-60 and Col. 12 lines 59-67 – Chat history pane contains user input to the virtual world chatting environment].**

With respect to claim 12, Liles teaches a program storage device readable by machine, tangibly embodying a program of instructions executable by the machine to perform method steps for interacting with an environment having an aspect [**Liles -- Abstract and Col. 5 lines 47-62], the method steps comprising:**

representing the aspect in an activity map including at least two perspectives [Liles -- **Figure 13, Col. 7 lines 7-17 and Col. 12 lines 52-67 – Activity map, i.e. virtual world, contains multiple perspectives, namely, chat history window and pane with avatar,**

representing an activity of a user within the environment [Liles -- **Figure 13 and Col. 7 lines 7-26 – Activity of user is chatting**]; and

representing the activity of the user as a tangible link between each perspective [Liles -- **Col. 7 lines 21-23 and Col. 9 lines 55-60 and Col. 9 lines 64-67 – Col. 10 lines 1-32 – State of a user is depicted on avatar based upon the text entered in the chat, i.e. first perspective. For example, based upon the text entered by a user, the state of the user, i.e. happy or mad, is tangibly linked to the second perspective, i.e. avatar, by graphically changing his appearance to indicate the emotion**].

With respect to claim 15, this is a program claim corresponding to the computer system claimed in claim 5. It has similar limitations; therefore, claim 15 is rejected under the same rationale.

With respect to claim 17, Liles further teaches wherein a single perspective incorporates more than one aspect [Liles -- **Figure 13, Col. 7 lines 7-17 and Col. 12 lines 52-67 – Single perspective of chat window contains multiple aspects, namely, chat text area and avatar area**].

With respect to claim 18, Liles further teaches wherein the aspect is represented by more than one perspective [**Liles -- Figure 13, Col. 7 lines 7-17 and Col. 12 lines 52-67 – Chat aspect is represented by more than one perspective, text chat area and avatar**].

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 6 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Liles et al. (U.S. 5,880,731), as applied to claims 1 and 12 above respectively, in view of Kambayashi et al. (U.S. 6,163,799).

Regarding claim 6, Liles teaches the invention substantially as claimed, as aforementioned in claim 1 above, including an activity map [**Liles -- Figure 13, Col. 7 lines 7-17 and Col. 12 lines 52-67 – Activity map, i.e. virtual world, contains multiple perspectives, namely, chat history window and pane with avatar**] which provides a tangible link between a user's activity represented in two perspectives of an activity map [**Liles -- Figure 13 and Col. 7 lines 18-42 – Link between chat session and graphical avatar, i.e. two perspectives, is tangible, i.e. graphical, wherein the graphic representing the avatar is modified based upon the chat session**], but fails to explicitly teach a link linking user activity.

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Kambayashi, however, discloses a communication system including user's in a virtual office environment which further includes a GUI display showing a relationship between communicating users represented as various types of lines, thereby linking the actual communication, as taught in Liles, with a visual depiction, i.e. two perspectives [**Kambayashi -- Figures 40, 56 and 63, Col. 27 lines 28-35, Col. 29 lines 46-49 and Col. 30 lines 32-43**].

Both Liles and Kambayashi are concerned with facilitating and enhancing communication between users over a network.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the linking of users via lines, as taught by Kambayashi into the invention of Liles, in order to provide a visual, more user-friendly and real-time display of user communication through a virtual office environment.

Regarding claim 16, this is a program claim corresponding to the method claimed in claim 6 above. It has similar limitations; therefore, claim 16 is rejected under the same rationale.

10. Claims 11, 13-14, 19-20 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Liles et al. (U.S. 5,880,731), as applied to claims 1, 12 and 19 above respectively, in view of Moncreiff (U.S. 6,061,716).

Regarding claim 11, Liles teaches the invention substantially as claimed, as aforementioned in claim 1 above, but fails to explicitly teach a transactional environment. Moncreiff, however, discloses a chat room system based upon chatting with people in relation to various television shows while they are occurring, which provides a transaction/business environment to view items relating to the television show for purchasing [Moncreiff -- Figure 8, Col. 5 lines 59-67 and Col. 6 lines 5-31].

Both Liles and Moncreiff teach systems for providing enhanced functionality and services to on-line chatting systems.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the transaction/business environment section, as taught by Moncreiff into the invention of Liles, in order to provide enhancements to chat rooms which is cost-effective and provides greater services to its users [Moncreiff -- Col. 1 lines 65-67].

Regarding claim 13, Liles teaches the invention substantially as claimed, as aforementioned in claim 12 above, but fails to explicitly teach wherein the environment contains a transactional environment and the user is a participant.

Moncreiff, however, discloses a chat room system based upon chatting with people in relation to various television shows while they are occurring, which provides a transaction/business environment to view items relating to the television show for purchasing by the users [Moncreiff -- Figure 8, Col. 5 lines 59-67 and Col. 6 lines 5-31].

Both Liles and Moncreiff teach systems for providing enhanced functionality and services to on-line chatting systems.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the transaction/business environment section, as taught by Moncreiff into the invention of Liles, in order to provide enhancements to chat rooms which is cost-effective and provides greater services to its users [**Moncreiff -- Col. 1 lines 65-67**].

Regarding claim 14, Liles-Moncreiff teach the invention substantially as claimed, wherein the activity map [**Liles -- Figure 13, Col. 7 lines 7-17 and Col. 12 lines 52-67 -- Activity map, i.e. virtual world, contains multiple perspectives**] includes at least one perspective in which an on-line transaction can be conducted [**Moncreiff -- Figure 8, Col. 5 lines 59-67 and Col. 6 lines 5-31 -- Pane of the screen can be allocated for showing related goods that can be purchased by the users**].

Regarding claim 19, Liles teaches a computer-implemented method having aspects comprising the steps of:

representing aspects in an activity map comprising at least two associated perspectives [**Liles -- Figure 13, Col. 7 lines 7-17 and Col. 12 lines 52-67 -- Activity map, i.e. virtual world, contains multiple perspectives, namely, chat history window and pane with avatar**]. Liles fails to explicitly teach conducting an on-line transaction within a perspective between two market participants represented within the activity map.

Moncreiff, however, discloses a chat room system based upon chatting with people in relation to various television shows while they are occurring, which provides a transaction/business environment between the chat user and businesses to view items relating to the television show

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for purchasing by the users [**Moncreiff -- Figure 8, Col. 5 lines 59-67 and Col. 6 lines 5-31**].

Both Liles and Moncreiff teach systems for providing enhanced functionality and services to on-line chatting systems.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the transaction/business environment section, as taught by Moncreiff into the invention of Liles, in order to provide enhancements to chat rooms which is cost-effective and provides greater services to its users [**Moncreiff -- Col. 1 lines 65-67**].

Regarding claim 20, Liles-Moncreiff teach the invention substantially as claimed, as aforementioned in claim 19 above, wherein perspectives of the activity map are associated [**Liles -- Col. 9 lines 55-60 and lines 64-65 – Avatar and chat text area are associated to coordinate emotions for users**].

While Liles-Moncreiff do not explicitly teach associating perspectives by market participant activity, it would have been obvious to incorporate such actions into the avatars library to further enhance the chat experience for users by reflecting purchasing activities, just as other emotions are represented, in order to provide a more personal chat experience and enhanced functionality. Liles supports this by allowing scripts to be dynamically created by users as new emotions and actions have the necessity to be created and shared [**Liles -- Col. 7 lines 66-67 – Col 8 lines 1-2 and Col. 9 lines 2-15**].

Regarding claim 22, Liles-Moncreiff teach the invention substantially as claimed, as aforementioned in claim 19 above, including wherein the transactional environment is business

[Moncreiff -- Figure 8 and Col. 6 lines 19-31 -- Merchandise can be purchased from businesses].

11. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Liles et al. (U.S. 5,880,731) and Moncreiff (U.S. 6,061,716), as applied to claim 19 above, in view of Kambayashi et al. (U.S. 6,163,799).

Regarding claim 21, this is a method claim corresponding to the method claimed in claim 6 above. It has similar limitations; therefore, claim 21 is rejected under the same rationale.

Conclusion

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

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will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas J. Mauro Jr. whose telephone number is 571-272-3917. The examiner can normally be reached on M-F 8:00a.m. - 4:30p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on 571-272-3923. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


TJM

December 14, 2004


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